HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.6548 of 2004

Dated this the 26th day of November, 2007

Between:

Sri Satyanarayana Talkies, Tenali .... Petitioner

and

The Govt. of India, Ministry of
Information & Broadcasting through the
Branch Manager, Films Division,
Vijayawada, and another .... Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Petition No.6548 of 2004

ORDER:

This Writ Petition has been filed seeking a direction in the nature of Writ of Mandamus declaring the impugned order dated 05.03.2004 issued by the first respondent as illegal, null and void and contrary to the judgments rendered by this Court and the Hon'ble Supreme Court.

2) A similar batch of writ petitions are said to be disposed of by a Division Bench of this Court through the judgment, dated 21.08.2001 in W.A.No.298 of 2001 and batch.

3) The learned counsel for the writ petitioner represented that the issue involved in this writ petition is squarely covered by the decision of a Division Bench of this Court in W.A.No.298 of 2001 and batch. The operative portion of the said judgment dated 21.08.2001 is as under:

> "An agreement can be express or implied. If short films have been supplied to the appellants they would irrespective of the legal position are liable to pay the amount in question to the Films Division. Even if the conditions of the licence as contended by the appellants were found to be invalid, they would still be liable in terms of Sections 65

and 70 of the Indian Contract Act. In fact, on their own showing the appellants had also been paying the said amount after the decision of the Supreme Court. We, therefore, are of the opinion that the liability of the appellants has to be determined on resolution of the dispute as to whether short films had been supplied to them or not. Such dispute has to be determined in an appropriate forum and not in a writ proceeding. It is needless to say that the State cannot refuse to renew the cinematograph licences of the appellants unless conditions precedent therefor are not satisfied.

These writ appeals and writ petitions are disposed of with the aforementioned directions and observations. There shall be no order as to costs."

4) Since the learned counsel for the writ petitioner did not dispute that it is the similar matter as those of the matters decided by the Division Bench, therefore, it stands on the same footing. The writ petition is, therefore, disposed of in terms of the judgment of a Division Bench of this Court dated 21.08.2001 in W.A.No.298 of 2001 and batch. No order as to costs.

_____

Dr. G. YETHIRAJULU, J

Date: 26—11--2007
lsn